

DETAILED ACTION

1. This Office Action is in regards to the most recent papers filed on 1/25/2010.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/25/2010 has been entered.

Response to Arguments

3. Applicant's arguments filed 1/25/2010 have been fully considered but they are not persuasive.
4. On pages 17-18, Applicant argues the newly amended subject matter of "without preserving the records, original profile information, and accumulated record information." However, with the instant claims, as currently presented, the phrase appears to be limiting how the profile analysis processing part manages the information, as opposed to the apparatus as a whole. If Applicant intends for the information to not be maintained by any entity, or a specific list of entities, the instant claim should be amended to reflect this. Thus, as program specifically performing the function of the profile analysis processing part does not appear to store the specified information, the rejection of the instant claims has been maintained.

Claim Objections

5. Claim 13 is objected to because of the following informalities: Element (c) of the instant claim states "connected to on of the plurality..." The word "on" should apparently be "one." Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. Claims 13, 14, 18, 21, 23, 25, 27, 34-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Dedrick (U.S. Pat. No. 5,717,923) in view of Lee et al. (U.S. Pat. No. 6,751,459), hereinafter referred to as Lee.

7. Regarding claim 13, Dedrick discloses a user information processing system comprising:

a plurality of terminal units which each accumulate terminal use record information and generate original profile information of a user (Dedrick: Column 5, lines 20-40 and Column 5, lines 50-60 and Figure 1. The session manager has to know the identity of the terminal (IP source address) in order to setup a session between the terminal and server);

a profile analysis server accessible by said terminal unit comprising (Dedrick: Column 9, lines 25-35)

a data bus (Dedrick: Column 4, line 66 to Column 5, line 20. Dedrick utilizes a computer, such as a standard Intel based computer system, which utilizes a bus, processor, and memory.),

a central processing unit connected to said data bus and which controls the profile analysis server (Dedrick: Column 4, line 66 to Column 5, line 20.

Dedrick utilizes a computer, such as a standard Intel based computer system, which utilizes a bus, processor, and memory.),

a memory connected to said data bus, the memory storing programs used by said central processing unit to control the profile analysis server (Dedrick: Column 4, line 66 to Column 5, line 20. Dedrick utilizes a computer, such as a standard Intel based computer system, which utilizes a bus, processor, and memory.),

a communication interface connected to said data bus and which connects the profile analysis server to said terminal unit (Dedrick: Column 3, lines 14-36. The systems are connected to a network, and thus include a communication interface.), and

a profile analysis processing part connected to said data bus, the profile analysis processing part receiving said use record information and producing said original profile information based on said use record information (Dedrick: Column 4, line 66 to Column 5, line 20.); and

a storage unit detachably connected to one of the plurality of terminal units which is configured to store said original profile information generated by said profile analysis processing part of the profile analysis server such that when the terminal unit is used, the terminal unit unit accesses the original profile information from the storage unit to

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obtain information peculiar to the particular user using the terminal unit (Dedrick: Column 9, lines 25-35),

wherein,

at least one of said terminal use record information and said original profile information includes information identifying the terminal unit device type (Dedrick: Abstract. The very presence of the information identifies the type of terminal, as in that the terminal is a "client" device. More detail should be provided to specify how the information identifies the type, and what constitutes "type."), and

said profile analysis processing part of the profile analysis server generates new profile information based on said original profile information and said accumulated terminal use record information (Dedrick: Column 4, line 66 to Column 5, line 20) without preserving the records, said original profile information, and said accumulate record information (Dedrick: Column 6, lines 17 to 52. A copy of the information is not maintained in th evolatile memory, and is only maintained in the removable medium. The instant claim, as currently presented, only requires that this information is not maintained specifically by the profile analysis processing part of the profile analysis server.).

However, Dedrick does not explicitly disclose that the original profile information is generated based on terminal use information or that the age unit includes user schedule data.

However, Dedrick teaches about the possibility of using different client systems (Dedrick: Column 3, lines 1-10) in which each transaction is stored for billing purpose.

Further, Dedrick teaches that the server maintains a calendar database that is utilized to allow the user to view and schedule a time utilizing the server's scheduling process (Dedrick: Column 14, lines 33-42).

Accordingly, it would have been obvious to have the storing means include user schedule data, as the user would be able to locally store information concerning a time scheduled for a user and/or information concerning other appointments that would possibly conflict with the scheduled time. It is noted that the instant claim does not include any functionality associated with the schedule data with regards to the system as a whole. As such, if the storage unit stores any schedule information, even if it is not utilized in the system, as a whole, the claim limitation is still met.

Further, Lee teaches about the potential for the internet and the problem caused when one user is allowed to access more than one terminal (Lee: Column 1, line 60-Col 2, line 20). Lee teaches a solution for this problem through the use of terminal use information (Lee: Column 2, line 60 to Column 3, line 15).

Accordingly, it would have been obvious at the time of the invention for one of ordinary skill to improve on the billing process of Dedrick by using the system taught by Lee.

The suggestion/motivation for doing so would have been to provide the means for better transaction recording in a growing complex technology like the internet.

Further, Dedrick as modified by Lee do not appear to disclose expressly that the profile analysis part generates the new information without preserving the records, said original profile information, and said accumulated record information.

However, Official Notice (See MPEP 2144.04) is taken that programs that perform a function without maintaining a copy of any of the information involved in the function after the function was performed were well known. These functions would generally accept an input, then provide an output based on the input, and only have some temporary storage for performing the function itself, but does not maintain the data after the function is performed. It is noted that the instant claim only requires that the profile analysis processing part of the profile analysis processing server does not preserve the information, but does not restrict the information from being preserved in a different part of the profile analysis server.

Accordingly, it would have been obvious to have the profile analysis part, as in Dedrick as modified by Lee, perform its functionality without preserving the records, said original profile information, and said accumulated record information.

The suggestion/motivation for doing so would have been that creating independent modules or parts that interact with other parts within computer systems allows the software to be designed based on the inputs that should be received, and the outputs that need to be produced based on the inputs. By isolating the different parts, and thus making the profile analysis processing part only responsible for the actual functionality and not any archival or caching operations allows the designer of the

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specific part to focus on the functionality, while the individuals who design any other parts would handle any other functions that are required.

8. Regarding claim 14, the instant claim includes subject matter that is substantially similar to that claimed in claim 13, and is rejected for substantially similar reasons.

9. Regarding claim 18, the instant claim includes subject matter that is substantially similar to that claimed in claim 13, and is rejected for substantially similar reasons.

10. Regarding claim 21, the instant claim includes subject matter that is substantially similar to that claimed in claim 13, and is rejected for substantially similar reasons.

11. Regarding claim 23, the instant claim includes subject matter that is substantially similar to that claimed in claim 13, and is rejected for substantially similar reasons.

12. Regarding claim 25, Dedrick as modified by Lee, teaches a selecting unit which selects information supplied to the user based on the profile information stored in said storage unit (Dedrick: Column 6, line 65- Column 7, line 10 and Dedrick Column 7, lines 55-65).

13. Regarding claim 27, the instant claim includes subject matter that is substantially similar to that claimed in claim 13, and is rejected for substantially similar reasons.

14. Regarding claim 38, the prior art of record teaches the method and system wherein the apparatus is configured for providing information to a plurality of terminal units remote from the apparatus (see Dedrick, column 5, line 20 through column 6, line 3).

15. Regarding claim 34, Dedrick as modified by Lee teaches a plurality of terminal units being configured to accumulate terminal use record information and user profile information on a detachably connected storage unit upon use of one of the plurality of terminal units (Dedrick: Column 5, line 20 to Column 6, line 3. It is noted that the instant claim does not require any relationship between each of the plurality of terminal units.).

16. Regarding claim 35, Dedrick as modified by Lee teaches that at least one of said terminal units uses record information and said profile information includes identifying information about each terminal unit of the plurality of terminal units used by the user (Dedrick: Abstract. The profile information at least includes information identifying the user of the terminal system, which is identifying information about the used terminal system. Applicant should amend the instant claim to clearly reflect how the information is “about” each terminal unit.) and said storage unit detachably connects to each terminal unit of said plurality of terminal units and stores said new profile information such that when any particular terminal unit of the plurality of terminal units is used, the

particular terminal unit accesses the new profile information from the storage unit unit to obtain information peculiar to the user (see the rejection of claim 13).

17. Regarding claims 36-41, the instant claims are substantially similar to subject matter claimed in claims 34 and 35, and are rejected for substantially similar reasons.

18. Regarding claim 42, Dedrick disclosed wherein the profile analysis processing part receiving said use record information and producing said original profile information based on said use record information includes specific information relating to user preference (Dedrick: Column 5, lines 50-59).

Claim Rejections - 35 USC § 103

19. Claims 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. Pat. No. 5,717,923), in view of Lee et al. (U.S. Pat. No. 6,751,459), hereinafter referred to as Lee, in further view of what was well known at the time of invention.

20. Dedrick disclosed the method and system substantially as detailed above, with the intention of monitoring and tracking a user's activity on a network (see column 5, lines 34-49). The system was concerned with storing personal data for each user (see column 5, lines 50-59). Similarly, Lee disclosed monitoring a user's activity pattern, including the location of the user, and storing such information in a user profile (see column 18, lines 6-41).

While the prior art discloses various types of data used for tracking a user, the prior art references do not specifically teach using GPS data as claimed.

Examiner takes Official Notice (see MPEP § 2144.03) that the use of GPS data in a computer networking environment was well known in the art at the time the invention was made.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Dedrick and Lee to provide a system for monitoring and storing information about a user's activity, the information including GPS data as claimed. Both Dedrick and Lee were concerned with providing information on a user's activity patterns, and as in Lee, specifically the location of a user. It was well known at the time of invention that GPS data could be used to track the location of a user. Accordingly, one of ordinary skill in the art would have been motivated to consider incorporating the use of GPS data in the prior art combination in order to improve the tracking system suggested and provided a more accurate and detailed set of information about a user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2444

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